

REMARKS

Claims 41-85 are presently pending in the application. Claims 41, 62, 71, 72, 74, 78, 79, and 85 are amended. Claim 64 is cancelled. The Examiner is respectfully requested to reconsider and withdraw the rejection in view of the amendments and remarks contained herein.

INTERVIEW SUMMARY

Applicants gratefully acknowledge the personal Interview of June 14 between Applicants' representative of record, Gregory A. Stobbs, and Examiner Hai Tran. Therein, the Examiner explained that Applicants have overlooked the possibility that some recipients of the webcast content may be simultaneously receiving the broadcast content. Applicants have interpreted the Examiner's comments as revealing that he can, for example, identify the first portion of the audience as being those audience members only receiving the webcast, and the second portion of the audience as being those members of the audience receiving both the webcast and the broadcast. According to this view, the content can be changed for both portions of the audience simply by changing the webcast content. Therefore, since all of the cited references are directed toward personalizing narrowcast content, and since none of the references teach adjusting broadcast contents at all, Applicants have amended the claims herein to specify that monitoring of narrowcast recipients' consumption of narrowcast contents is used to automatically adjust, in an identical and uniform manner, the narrowcast content for a plurality of recipients of the narrowcast content and the broadcast content for all recipients of the broadcast content in real time.

INTERVIEW REQUEST

Before issuance of a next Office action rejecting the claims as reciting new matter, and/or rejecting the claims over the same references, Applicants respectfully request the Examiner contact Applicants' representative of record to schedule and conduct a telephonic interview. Also, in the case the Examiner does not agree that the amended claims are allowable, Applicants encourage the Examiner to contact Applicants' representative of record to propose an Examiner's amendment to the claims in order to obtain allowance of the claims.

REJECTION UNDER 35 U.S.C. § 103

Claims 41-61 and 85 stand rejected under 35 U.S.C. § 103(a) as being obvious over Stern (U.S. Pat. No. 6,486,892) in view of Gerace (U.S. Pat. No. 5,848,396). This rejection is respectfully traversed.

The Examiner relies on Stern to teach using a concurrent delivery system that delivers content to a first portion of an audience over a channel-tuned broadcast spectrum and to a second portion of the audience over an addressable network using an Internet protocol, and to select in real time and deliver selected content elements to the portions of the audience based on dynamically updated user profiles. But the broadcast content in Stern is never modified at all on the basis of the user profile. Rather, Stern merely teaches retrieving webcast content of interest to a user for offline viewing, recording a broadcast show for a user, or changing an individual user's EPG filtering to cause a broadcast show on a topic to be listed in that user's EPG (col. 9, lines 36-48). Moreover, any personalization of advertisements or other content to individual users must be performed via narrowcast, because broadcast content cannot

be personalized for individual recipients of the broadcast content. Therefore, Stern's broadcast content is not altered, and is especially not altered in an identical and uniform manner for all webcast and broadcast recipients. Accordingly, Stern does not teach, suggest, or motivate adjusting, in an identical and uniform manner, webcast content delivered over the addressable network for a plurality of recipients of the webcast content, and broadcast content delivered over the channel-tuned broadcast spectrum for all recipients of the broadcast content.

The Examiner relies on Gerace to teach monitoring webcast content consumption by different types of users so that the webcast advertisement content can be adjusted for individual users. Again, any personalization of advertisements or other content to individual users must be performed via narrowcast, because broadcast content cannot be personalized for individual recipients of the broadcast content. Therefore, Gerace does not supply the teaching lacked by Stern, and cannot, in combination with Stern, teach, suggest, or motivate adjusting, in an identical and uniform manner, webcast content delivered over the addressable network for a plurality of recipients of the webcast content, and broadcast content delivered over the channel-tuned broadcast spectrum for all recipients of the broadcast content.

Applicants' claimed invention is directed toward adjusting, in an identical and uniform manner, webcast content delivered over an addressable network for a plurality of recipients of the webcast content, and broadcast content delivered over a channel-tuned broadcast spectrum for all recipients of the broadcast content. For example, independent claim 41, especially as amended, recites, "adjusting, in an identical and uniform manner, webcast content delivered over the addressable network for a plurality

of recipients of the webcast content, and broadcast content delivered over the channel-tuned broadcast spectrum for all recipients of the broadcast content.” Independent claim 85, especially as amended, recites similar subject matter. These differences are significant.

On the Internet today, increasing numbers of users are taking advantage of “anonymizer” services that allow users to interact with Internet sites anonymously. When such services are used, the web site does not know the identity of the individual user and cannot therefore customize the content for that user. However, the applicants’ invention will work, as described, even if users are employing such anonymizer services. This is because the actions of the anonymous users may still contribute to the “aggregate usage” metric, which is then used to adjust content in an identical and uniform manner to content delivered both over the addressable network and over the channel-tuned broadcast spectrum. This ability of the applicants’ invention is not supported in the cited references, whether read singularly or combined.

Accordingly, Applicants respectfully request the Examiner reconsider and withdraw the rejection of independent claims 41 and 85 under 35 U.S.C. § 103(a), along with rejection on these grounds of all claims dependent therefrom.

Claims 62-70 stand rejected under 35 U.S.C. § 103(a) as being obvious over Mao et al. (U.S. Pat. No. 6,459,427) in view of Stern (U.S. Pat. No. 6,486,892) and Gerace (U.S. Pat. No. 5,848,396). This rejection is respectfully traversed.

The Examiner relies on Mao to teach simulcast and to teach customizing webcasting content based on a user profile, and admits that Mao does not teach monitoring audience response and characteristics to adjust media content. It should be

noted that Mao et al. teaches that user must choose between either to receive a simulcast or to receive personalized webcasting content, and that users cannot get both (col. 7, lines 5-18). Moreover, even if Mao et al. taught that users could get personalized simulcast, with the webcast being in some way personalized to the user, Mao et al. would still fail to teach, suggest, or motivate automatically adjusting, in an identical and uniform manner, narrowcast content for a plurality of recipients of the narrowcast content and broadcast content for all recipients of the broadcast content in real time. It should be noted that broadcast content cannot be personalized, so personalizing webcast content cannot suggest adjusting broadcast content.

The Examiner relies on Gerace to teach monitoring webcast content consumption by different types of users so that the webcast advertisement content can be adjusted for individual users. Again, any personalization of advertisements or other content to individual users must be performed via narrowcast, because broadcast content cannot be personalized for individual recipients of the broadcast content. Therefore, Gerace does not supply the teaching lacked by Mao et al, and cannot, in combination with Mao et al., teach, suggest, or motivate automatically adjusting, in an identical and uniform manner, narrowcast content for a plurality of recipients of the narrowcast content and broadcast content for all recipients of the broadcast content in real time.

The Examiner relies on Stern to teach automatically adjusting content in real time to personalize narrowcast content based on user profiles developed by monitoring user consumption of narrowcast content. But no broadcast content in Stern is ever modified at all on the basis of the user profile. Rather, Stern merely teaches retrieving

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narrowcast content of interest to a user for offline viewing, recording a broadcast show for a user, or changing an individual user's EPG filtering to cause a broadcast show on a topic to be listed in that user's EPG (col. 9, lines 36-48). Moreover, any personalization of advertisements or other content to individual users must be performed via narrowcast, because broadcast content cannot be personalized for individual recipients of the broadcast content. Therefore, Stern's broadcast content is not altered, and is especially not altered in an identical and uniform manner for all narrowcast and broadcast recipients. Accordingly, Stern does not supply the teaching lacked by Mao et al. and Gerace, and cannot, in combination with Mao et al. and Gerace, teach, suggest, or motivate automatically adjusting, in an identical and uniform manner, narrowcast content for a plurality of recipients of the narrowcast content and broadcast content for all recipients of the broadcast content in real time.

Applicants' claimed invention is directed toward automatically adjusting, in an identical and uniform manner, narrowcast content for a plurality of recipients of the narrowcast content and broadcast content for all recipients of the broadcast content in real time. For example, independent claim 62, especially as amended, recites, "automatically adjusting, in an identical and uniform manner, the narrowcast content for a plurality of recipients of the narrowcast content and the broadcast content for all recipients of the broadcast content in real time based on said monitoring." These differences are significant.

Accordingly, Applicants respectfully request the Examiner reconsider and withdraw the rejection of independent claim 62 under 35 U.S.C. § 103(a), along with rejection on these grounds of all claims dependent therefrom.

Claims 71, 73, 75-78, and 80-84, stand rejected under 35 U.S.C. § 103(a), as being obvious over Gerace (U.S. Pat. No. 5,848,396) in view of Stern (U.S. Pat. No. 6,486,892). This rejection is respectfully traversed.

The Examiner relies on Gerace to teach monitoring narrowcast recipients' consumption of narrowcast media content, and adjusting narrowcast contents to personalize the narrowcast contents to individual users. I should be noted the any personalization of advertisements or other content to individual users must be performed via narrowcast, because broadcast content cannot be personalized for individual recipients of the broadcast content. Therefore, Gerace does not teach, suggest, or motivate automatically adjusting, in an identical and uniform manner, narrowcast content for a plurality of recipients of the narrowcast content and broadcast content for all recipients of the broadcast content in real time.

The Examiner relies on Stern to teach automatically adjusting content in real time to personalize narrowcast content based on user profiles developed by monitoring user consumption of narrowcast content. But no broadcast content in Stern is ever modified at all on the basis of the user profile. Rather, Stern merely teaches retrieving narrowcast content of interest to a user for offline viewing, recording a broadcast show for a user, or changing an individual user's EPG filtering to cause a broadcast show on a topic to be listed in that user's EPG (col. 9, lines 36-48). Again, any personalization of advertisements or other content to individual users must be performed via narrowcast, because broadcast content cannot be personalized for individual recipients of the broadcast content. Therefore, Stern's broadcast content is not altered, and is especially not altered in an identical and uniform manner for all narrowcast and broadcast

recipients. Accordingly, Stern does not supply the teaching lacked by Gerace, and cannot, in combination with Gerace, teach, suggest, or motivate automatically adjusting, in an identical and uniform manner, narrowcast content for a plurality of recipients of the narrowcast content and broadcast content for all recipients of the broadcast content in real time.

Applicants' claimed invention is directed toward automatically adjusting, in an identical and uniform manner, narrowcast content for a plurality of recipients of the narrowcast content and broadcast content for all recipients of the broadcast content in real time. For example, independent claim 71, especially as amended, recites, "automatically adjusting, in an identical and uniform manner, the narrowcast content for a plurality of recipients of the narrowcast content and the broadcast content for all recipients of the broadcast content in real time based on said monitoring." Independent claim 78, especially as amended, recites similar subject matter. These differences are significant.

Accordingly, Applicants respectfully request the Examiner reconsider and withdraw the rejection of independent claims 71 and 78 under 35 U.S.C. § 103(a), along with rejection on these grounds of all claims dependent therefrom.

Claims 72, 74, and 79 stand rejected under 35 U.S.C. § 103(a) as being obvious over Gerace (U.S. Pat. No. 5,848,396) in view of Stern (U.S. Pat. No. 6,486,892) and Mao et al. (U.S. Pat. No. 6,459,427). This rejection is respectfully traversed.

The Examiner relies on Gerace to teach monitoring narrowcast recipients' consumption of narrowcast media content, and adjusting narrowcast contents to personalize the narrowcast contents to individual users. I should be noted the any

personalization of advertisements or other content to individual users must be performed via narrowcast, because broadcast content cannot be personalized for individual recipients of the broadcast content. Therefore, Gerace does not teach, suggest, or motivate automatically adjusting, in an identical and uniform manner, narrowcast content for a plurality of recipients of the narrowcast content and broadcast content for all recipients of the broadcast content in real time.

The Examiner relies on Stern to teach automatically adjusting content in real time to personalize narrowcast content based on user profiles developed by monitoring user consumption of narrowcast content. But no broadcast content in Stern is ever modified at all on the basis of the user profile. Rather, Stern merely teaches retrieving narrowcast content of interest to a user for offline viewing, recording a broadcast show for a user, or changing an individual user's EPG filtering to cause a broadcast show on a topic to be listed in that user's EPG (col. 9, lines 36-48). Again, any personalization of advertisements or other content to individual users must be performed via narrowcast, because broadcast content cannot be personalized for individual recipients of the broadcast content. Therefore, Stern's broadcast content is not altered, and is especially not altered in an identical and uniform manner for all narrowcast and broadcast recipients. Accordingly, Stern does not supply the teaching lacked by Gerace, and cannot, in combination with Gerace, teach, suggest, or motivate automatically adjusting, in an identical and uniform manner, narrowcast content for a plurality of recipients of the narrowcast content and broadcast content for all recipients of the broadcast content in real time.

The Examiner relies on Mao et al. to teach simulcasting the media content to an audience and a surrogate audience. It should be noted that Mao et al. teaches that user must choose between either to receive a simulcast or to receive personalized webcasting content, and that users cannot get both (col. 7, lines 5-18). Moreover, even if Mao et al. taught that users could get personalized simulcast, with the webcast being in some way personalized to the user, Mao et al., in combination with Stern and Gerace, would still fail to teach, suggest, or motivate automatically adjusting, in an identical and uniform manner, narrowcast content for a plurality of recipients of the narrowcast content and broadcast content for all recipients of the broadcast content in real time. Again, it should be noted that broadcast content cannot be personalized, so personalizing webcast content cannot suggest adjusting broadcast content.

Applicants' claimed invention is directed toward automatically adjusting, in an identical and uniform manner, narrowcast content for a plurality of recipients of the narrowcast content and broadcast content for all recipients of the broadcast content in real time. For example, independent claim 71, especially as amended, recites, "automatically adjusting, in an identical and uniform manner, the narrowcast content for a plurality of recipients of the narrowcast content and the broadcast content for all recipients of the broadcast content in real time based on said monitoring." Independent claim 78, especially as amended, recites similar subject matter. These differences are significant.

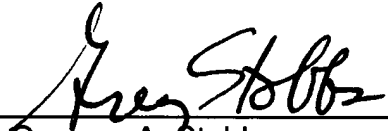
Accordingly, Applicants respectfully request the Examiner reconsider and withdraw the rejection of dependent claims 72, 74, and 79 under 35 U.S.C. § 103(a) in view of their dependence from allowable base claims.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: July 11, 2006

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